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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/734,496	FEINBERG ET AL.	
	Examiner	Art Unit	
	Michael W. Hoye	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,7 and 10-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,7 and 10-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on April 24, 2007 with respect to independent claims 1, 19 and 20 have been fully considered but they are not persuasive.

Regarding independent claims 1, 19 and 20, the Applicants' argue on page 9 that, "Pandya fails to teach or to suggest a graphical user interface, at a monitor and control unit to display the status or received information, provide a user configurable menu to define error conditions or provide an option to activate an audible alert when error conditions are detected relating to one or more operations performed at the head-end, as positively recited in the Applicants' independent claims."

More specifically, the Applicants' argue on page 10 that, "none of the graphical user interfaces taught by Pandya teach displaying the status or received information. Although, Pandya may monitor and use status or received information, Pandya does not explicitly teach displaying this information via the graphical user interface. The graphical user interface taught by Pandya only provides the ability to manage configuration information of the control points and agents."

In response to the Applicants' arguments regarding the claimed "displaying, via a graphical user interface...the status relating to operations performed at the head-end", the Examiner respectfully disagrees with the Applicants because the Pandya reference clearly teaches providing specific messages regarding the status of the network via a graphical user interface (see col. 7, lines 55-58 and Figs. 13-15), where the configuration utility 106 comprises

a graphical user interface (GUI) that may monitor the status of the network (also note the "STATUS" tab in the GUIs shown in the Figures and col. 4, lines 40-46; col. 6, lines 42-66; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54).

The Applicants also argue on page 10 that, "Pandya fails to explicitly teach that any of the configurable options via the graphical user interface are related to defining error conditions." And that, "In contrast, the Applicants invention teaches providing, via the graphical user interface, a user configurable menu to define error conditions."

In response to the Applicants' arguments regarding the claimed, "providing, via the graphical user interface, a user configurable menu to define error conditions", the Pandya reference clearly teaches a graphical user interface configuration utility and failure notification messages as described above, where if the optimum resources are not available, as specified in the configuration utility, the applicable policies (or settings) could further specify that the requested task be blocked, and the requesting user be providing with an informative message detailing the reason why the request was denied (see col. 6, lines 42-66; col. 8, lines 38-43 and 57-64; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54).

Finally, the Applicants' argue on pages 10-11 that, "Pandya fails to teach or suggest providing an option to activate an audible alert when error conditions are detected relating to one or more operations performed at the head-end." The Applicants note that the Examiner conceded this in the Office Action of 1/25/07 but challenged the Examiner's taking of Official Notice and have requested that the Examiner support his finding with adequate evidence.

In response, the Examiner has provided the Jones et al (USPN 6,687,335) reference as evidence that it is notoriously well known in the art of monitoring or control systems, which

incorporate the use of a graphical user interface, to provide an option for activating audio/visual alerts when error conditions are detected for the advantage of immediately informing or notifying a user of the system or service where a problem or error condition has been detected (see col. 2, lines 60-65 and col. 7, lines 61-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Pandya reference with the additional teachings of Jones el for the advantage as stated above. One of ordinary skill in the art would have been led to make such a modification since audio/visual alerts are well known alert features in the art of monitoring and control unit graphical user interface systems.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 6-7 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pandya et al (USPN 6,671,724), in view of Jones et al (USPN 6,687,335), both cited by the Examiner.

As to claim 1, note the Pandya et al reference which discloses a method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end or server/network resources in an information distribution system. Regarding the claimed "head-end", on pg. 346 of "Newton's Telecom Dictionary", a commonly accepted definition of "head end" is "A central control device required within come LAN/MAN systems to provide such

centralized functions as remodulation, re-timing, message accountability, contention control, diagnostic control, and access." Although the Pandya et al reference does not explicitly use the term "headend", the reference clearly teaches monitoring and managing network resources, including servers, routers, storage devices, gateways, switches, hubs, etc., which are clearly synonymous with the operations of a head-end system (see col. 4, lines 40-61, and the definition of a "headend" according to "The Authoritative Dictionary of IEEE Standards Terms", pg. 508 and "Newton's Telecom Dictionary", pg. 346). The claimed "receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end (or server)" is met by the agents and control points, which control and monitor network events, track operational and congestion status of network resources, select optimum targets for network requests, dynamically manage bandwidth usage, and share information about network conditions with customers, users and IT personnel (col. 4, lines 30-46). The agents and control points may be adapted and configured to enforce system policies; to monitor and analyze network events, and take appropriate action based on these events; to provide valuable information to users of the network; and ultimately to ensure that network resources are efficiently used in a manner consistent with underlying business or other goals (col. 6, lines 53-59). Agents monitor network resources and the activity of the device with which they are associated, and communicate this information to the control points...the control points may alter the behavior of particular agents in order to provide the desired network services. The control points and agents may be loaded on a wide variety of devices, including general purpose computers, servers, routers, hubs, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory. Agents and control points may reside on separate devices (see col. 7,

lines 27-39, lines 45-58 and line 67 – col. 8, line 6). In addition, the agents may communicate the monitored status and activities to one or more control points, and provide messages to network users and administrators concerning network conditions (col. 9, line 66 – col. 10, line 7). Furthermore, agents may provide control points with messages and specific messages identifying network conditions, etc. may be provided to users and IT personnel (see col. 12, lines 44-53, col. 13, lines 9-42, and col. 18, line 45 – col. 19, line 31). As described above, the agents may be at a remote location, the control points may be located at the same or another remote location (col. 7, lines 38-39), and at least a subset of the received status from the remote location may be forwarded to one or more remote devices, where the agents communicate monitored status to the control points and in addition to the agents and/or control points may further send information to network users, administrators and IT personnel, which meets the relevant limitations in the claims. Therefore, the agents and control points may be located at one or more remote locations. The claimed "displaying, via a graphical user interface, at the monitor and control unit the status from the head-end relating to the operations performed at the head-end" is met by providing specific messages regarding the status of the network via a graphical user interface (see col. 7, lines 55-58 and Figs. 13-15), where the configuration utility 106 comprises a graphical user interface (GUI) that may monitor the status of the network (also note the "STATUS" tab in the GUIs shown in the Figures and col. 4, lines 40-46; col. 6, lines 42-66; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54). The claimed "providing, via the graphical user interface, a user configurable menu to define error conditions" is met by a graphical user interface configuration utility and failure notification messages as described above, where if the optimum resources are not available, as specified in the configuration utility, the applicable

policies (or settings) could further specify that the requested task be blocked, and the requesting user be providing with an informative message detailing the reason why the request was denied (see col. 6, lines 42-66; col. 8, lines 38-43 and 57-64; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54). The claimed "providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected" is not explicitly disclosed in the Pandya et al reference. However, the Jones et al reference teaches or provides evidence that it is notoriously well known in the art of monitoring or control systems, which incorporate the use of a graphical user interface, to provide an option for activating audio/visual alerts when error conditions are detected for the advantage of immediately informing or notifying a user of the system or service where a problem or error condition has been detected (see col. 2, lines 60-65 and col. 7, lines 61-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Pandya reference with the additional teachings of Jones el for the advantage as stated above. One of ordinary skill in the art would have been led to make such a modification since audio/visual alerts are well known alert features in the art of monitoring and control unit graphical user interface systems. The claimed "receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit" is met by various profiles and parameters, which include identities of devices (see col. 11, lines 43-45 and col. 15, lines 6-22). The claimed "receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status" is met in part by the profiles and parameters as described above. The claimed "forwarding at least a subset of the received status from the monitor and control unit to the plurality of remote devices" is met by the control points monitoring the status of network

resources, and sharing the information with management and support systems and with the agents (col. 7, lines 8-11), where the control points and agents may be loaded on a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory (see col. 7, lines 8-58, more specifically lines 27-39), and the "plurality of remote devices" are met by a computer or paging device, such as a pager, whereby agents/control points may also send messages concerning resource status or network conditions via email or paging to IT personnel (see col. 19, lines 29-31; also see col. 9, line 66 – col. 10, line 7; col. 13, lines 9-15 and 20-23; col. 18, line 45 – col. 19, line 10; and col. 19, lines 7-31 for a more detailed description). The claimed "wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities" is inherent to the systems and methods disclosed by the Pandya et al reference, since the status forwarded to one or more remote devices, such as a pager, cellular telephone, palm computer, or other networked device, would have to be in conformance with the indicated capabilities in order for the system to function properly. More specifically, as previously described above, the Pandya reference clearly discloses that the remote devices may include a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory, and the remote location(s) which relay or forward at least a subset of the received status from the remote location to one or more remote devices, whereby the remote location would have to have the identity of the one or more remote devices designated to receive status, as well as receive an indication of the capabilities or each remote device designated to receive status, and the status would have to be forwarded to each of the one or more remote

devices in conformance with the indicated capabilities, since remote devices such as a pagers, cellular telephones, palm computers, etc., each have inherent identities and capabilities that are different from each other. For example, if message or status information is being forwarded to a user or IT personnel, the remote location must know the identity of the remote device(s) designated to receive the status or message in order to transmit the status to the correct device(s). In addition, the capability of the remote device must be known, since sending a message or status information to a palm computer versus a pager or cellular telephone is different depending on the type, make and model of a device, as well as the capabilities of a device including text and/or graphics displays, otherwise if status information is forwarded to a remote device, where the status information is not in conformance with the indicated capabilities of the remote device, the status will not be presented at all or in a proper manner. Therefore, the identities and an indication of the capabilities of each remote device, etc. as claimed are clearly inherent to the systems and methods as disclosed in the Pandya reference. The claimed "receiving a response message from a particular remote device, and forwarding the response message to the head-end" is met by a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). The claimed "wherein the received message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end" is met by the configuration utility may be used for managing configuration information for the control points and agents as described above.

As to claim 2, the claimed "receiving indications of error conditions relating to the one or more operations" is met by monitoring the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31). The claimed "forwarding one or more alert messages to the one or more remote device in response to receiving the indications" is met by sending specific messages to users and IT personnel regarding errors and network conditions as described in the sections cited above, as well as in claim 1, and the claimed "when the audible alert is activated" is met by the Official Notice remarks as described above in claim 1.

As to claim 3, the claimed polling a plurality of head-ends for status relating to the operations of each head-end is met by the monitoring criteria as described above and by the triggering criteria specified in the system policies (col. 18, lines 45-67).

As to claim 6, the claimed indicated capabilities for each remote device is indicated as text, graphics, or a combination thereof, is met by the profiles and parameters as described above in claims 4-5 (also see col. 13, lines 9-23 and col. 19, lines 25-31), in addition to, it is inherent or well known in the art of interactive remote devices associated with a network to include indicated capabilities for each remote device, such as text, graphics or a combination thereof, since different types of remote devices may only have text or graphics capabilities, such as a pager that has only text capabilities, while a computer with display or monitor has the capability to display both text and graphics, and the device transmitting the status information to a remote device must communicate information to the remote device according to the device's indicated capability or profile/properties, otherwise the communicated information will not be received and/or displayed properly on the remote device.

As to claim 7, the claimed receiving an indication of a particular reporting level for each remote device designated to receive status, and wherein status are forwarded to each of the one or more remote devices in conformance with the indicated reporting level is met by priorities that may be assigned to users or groups of users, as well as configuration of various settings relating to users, applications and resources associated with a particular control point.

As to claim 10, the claimed received status includes status relating to encoding operations performed at the head-end is met by information related to the traffic control module in identifying underperforming network resources (see col. 11, line 16 – col. 13, line 29).

As to claim 11, the claimed status relating to the encoding operations includes status for one or more buffers used to store encoded data at the head-end is met by information reported regarding the transmit and receive queues (col. 11, line 24 – col. 12, line 29).

As to claim 12, the claimed received status includes status relating to multiplexing operations performed at the head-end is met by the information about bandwidth allocation for devices and applications as provided by traffic module 160 (col. 14, line 45 – col. 16, line 28).

As to claim 13, the claimed received status includes status relating to a particular transport stream transmitted from the head-end is met by the monitoring of the monitoring of network traffic and the transport layer (see col. 9, line 66 - col. 11, line 15).

As to claim 14, the claimed received status includes bit rates for a plurality of types of data being provided from the head-end is met by bit rate and other performance information that may be reported and shared, and may also be used to compile and maintain statistics (col. 11, line 36 – col. 12, line 29).

As to claim 15, the claimed at least one of the plurality of remote devices is a pager is met by the remote device or control points and agents may be loaded on a pager as described above in claim 1.

As to claim 16, the claimed at least one of the plurality of remote devices is a cellular telephone is met by the remote device or control points and agents may be loaded on a cellular telephone as described above in claim 1.

As to claim 17, the claimed at least one of the plurality of remote devices is a wireless device is met by the remote device or control points and agents may be loaded on a wireless device, such as a palm computer, a pager, a cellular telephone, or any other networked device having a processor and a memory as described above in claim 1 (see col. 4, lines62-67 and col. 7, lines 33-49).

As to claim 18, the claimed status and messages are forwarded via a standard messaging protocol is met by the communications protocols as described in col. 2, lines 50-67 and col. 5, line 57 – col. 6, line 41).

As to claim 19, note the Pandya et al reference which discloses a method for monitoring, from a remote location, operation of a head-end or server/network resources in an information distribution system. Regarding the claimed "head-end", on pg. 346 of "Newton's Telecom Dictionary", a commonly accepted definition of "head end" is "A central control device required within come LAN/MAN systems to provide such centralized functions as remodulation, re-timing, message accountability, contention control, diagnostic control, and access." Although the Pandya et al reference does not explicitly use the term "headend", the reference clearly teaches monitoring and managing network resources, including servers, routers, storage devices,

gateways, switches, hubs, etc., which are clearly synonymous with the operations of a head-end system (see col. 4, lines 40-61, and the definition of a "headend" according to "The Authoritative Dictionary of IEEE Standards Terms", pg. 508 and "Newton's Telecom Dictionary", pg. 346). The claimed "at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end (or server), wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end" is met by the agents and control points, which control and monitor network events, track operational and congestion status of network resources, select optimum targets for network requests, dynamically manage bandwidth usage, and share information about network conditions with customers, users and IT personnel (col. 4, lines 40-46), as well as, monitoring the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31). The agents and control points may be adapted and configured to enforce system policies; to monitor and analyze network events, and take appropriate action based on these events; to provide valuable information to users of the network; and ultimately to ensure that network resources are efficiently used in a manner consistent with underlying business or other goals (col. 6, lines 53-59). The control points monitor the status of network resources... (col. 7, lines 7-15). The control points and agents may be loaded on a wide variety of devices, including computers, palm computers, pagers, cellular telephones, and other networked devices, furthermore, the link to the control points and agents may be a wireless link (col. 7, lines 27-59). Therefore, the control points and agents may be located at a remote location. The claimed "displaying, via a graphical user interface, at a monitor and control unit the received

information" is met by providing specific messages regarding the status of the network via a graphical user interface (see col. 7, lines 55-58 and Figs. 13-15), where the configuration utility 106 comprises a graphical user interface (GUI) that may monitor the status of the network (also note the "STATUS" tab in the GUIs shown in the Figures and col. 4, lines 40-46; col. 6, lines 42-66; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54). The claimed "providing, via the graphical user interface, a user configurable menu to define error conditions" is met by graphical user interface configuration utility and failure notification messages as described above, where if the optimum resources are not available, as specified in the configuration utility, the applicable policies (or settings) could further specify that the requested task be blocked, and the requesting user be providing with an informative message detailing the reason why the request was denied (see col. 6, lines 42-66; col. 8, lines 38-43 and 57-64; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54). The claimed "providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected" is not explicitly disclosed in the Pandya et al reference. However, the Jones et al reference teaches or provides evidence that it is notoriously well known in the art of monitoring or control systems, which incorporate the use of a graphical user interface, to provide an option for activating audio/visual alerts when error conditions are detected for the advantage of immediately informing or notifying a user of the system or service where a problem or error condition has been detected (see col. 2, lines 60-65 and col. 7, lines 61-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Pandya reference with the additional teachings of Jones el for the advantage as stated above. One of ordinary skill in the art would have been led to make such a modification

since audio/visual alerts are well known alert features in the art of monitoring and control unit graphical user interface systems. The claimed "receiving, at the remote location, identities and indications of capabilities of one or more remote devices designated to receive the information relating to the one or more operations performed at the head-end" is met by various profiles and parameters (col. 11, lines 43-45 and col. 15, lines 6-22). The claimed "forwarding at least a subset of the received information from the remote location to one or more remote devices in conformance with the indicated capabilities" is met by the control points monitoring the status of network resources, and sharing the information with management and support systems and with the agents (col. 7, lines 8-11), where the control points and agents may be loaded on a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory (see col. 7, lines 8-58, more specifically lines 27-39), and the "one or more remote devices" are met by a computer or paging device, such as a pager, whereby agents/control points may also send messages concerning resource status or network conditions via email or paging to IT personnel (see col. 19, lines 29-31; also see col. 9, line 66 – col. 10, line 7; col. 13, lines 9-15 and 20-23; col. 18, line 45 – col. 19, line 10; and col. 19, lines 7-31 for a more detailed description). The claimed "receiving a response message from a particular remote device, and forwarding the response message to the head-end" is met by a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). The claimed "wherein the received message from the particular remote device includes a command to adjust at least one parameter

of a particular operation performed at the head-end" is met by the configuration utility may be used for managing configuration information for the control points and agents as described above.

As to claim 20, note the Pandya et al reference which discloses a method for remotely monitoring and controlling operation of a head-end or server/network resources in an information distribution system. Regarding the claimed "head-end", on pg. 346 of "Newton's Telecom Dictionary", a commonly accepted definition of "head end" is "A central control device required within come LAN/MAN systems to provide such centralized functions as remodulation, re-timing, message accountability, contention control, diagnostic control, and access." Although the Pandya et al reference does not explicitly use the term "headend", the reference clearly teaches monitoring and managing network resources, including servers, routers, storage devices, gateways, switches, hubs, etc., which are clearly synonymous with the operations of a head-end system (see col. 4, lines 40-61, and the definition of a "headend" according to "The Authoritative Dictionary of IEEE Standards Terms", pg. 508 and "Newton's Telecom Dictionary", pg. 346). The claimed maintaining identities and indications of capabilities of one or more remote devices designated to receive information relating to one or more operations performed at the head-end is met by various profiles and parameters, which include identities of devices (see col. 11, lines 43-45 and col. 15, lines 6-22), and the indications of capabilities is inherent to the systems and methods disclosed by the Pandya et al reference, since the status forwarded to one or more remote devices, such as a pager, cellular telephone, palm computer, or other networked device, would have to be in conformance with the indicated capabilities in order for the system to function properly. More specifically, as previously described above, the Pandya reference

clearly discloses that the remote devices may include a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory, and the remote location(s) which provide status from the head-end to one or more remote devices, whereby the remote location would have to have the identity of the one or more remote devices designated to receive status, as well as have an indication of the capabilities of each remote device designated to receive information/status, and the status would have to be forwarded to each of the one or more remote devices in conformance with the indicated capabilities, since remote devices such as a pagers, cellular telephones, palm computers, etc., each have inherent identities and capabilities that are different from each other. For example, if message or status information is being forwarded to a user or IT personnel, the remote location must know the identity of the remote device(s) designated to receive the status or message in order to transmit the status to the correct device(s). In addition, the capability of the remote device must be known, since sending a message or status information to a palm computer versus a pager or cellular telephone is different depending on the type, make and model of a device, as well as the capabilities of a device including text and/or graphics displays, otherwise if status information is forwarded to a remote device, where the status information is not in conformance with the indicated capabilities of the remote device, the status will not be presented at all or in a proper manner. Therefore, the identities and an indication of the capabilities of each remote device, etc. as claimed are clearly inherent to the systems and methods as disclosed in the Pandya reference. The claimed "displaying, via a graphical user interface, at a monitor and control unit the received information" is met by providing specific messages regarding the status of the network via a graphical user interface

(see col. 7, lines 55-58 and Figs. 13-15), where the configuration utility 106 comprises a graphical user interface (GUI) that may monitor the status of the network (also note the "STATUS" tab in the GUIs shown in the Figures and col. 4, lines 40-46; col. 6, lines 42-66; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54). The claimed "providing, via the graphical user interface, a user configurable menu to define error conditions" is met by graphical user interface configuration utility and failure notification messages as described above, where if the optimum resources are not available, as specified in the configuration utility, the applicable policies (or settings) could further specify that the requested task be blocked, and the requesting user be providing with an informative message detailing the reason why the request was denied (see col. 6, lines 42-66; col. 8, lines 38-43 and 57-64; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54). The claimed "providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected" is not explicitly disclosed in the Pandya et al reference. However, the Jones et al reference teaches or provides evidence that it is notoriously well known in the art of monitoring or control systems, which incorporate the use of a graphical user interface, to provide an option for activating audio/visual alerts when error conditions are detected for the advantage of immediately informing or notifying a user of the system or service where a problem or error condition has been detected (see col. 2, lines 60-65 and col. 7, lines 61-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Pandya reference with the additional teachings of Jones el for the advantage as stated above. One of ordinary skill in the art would have been led to make such a modification since audio/visual alerts are well known alert features in the art of monitoring and control unit

graphical user interface systems. The claimed "providing, from a remote location to one or more remote devices status from the head-end relating to one or more operations performed at the head-end" is met by the agents and control points, which control and monitor network events, track operational and congestion status of network resources, select optimum targets for network requests, dynamically manage bandwidth usage, and share information about network conditions with customers, users and IT personnel (col. 4, lines 40-46), as well as, monitor the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31). The agents and control points may be adapted and configured to enforce system policies; to monitor and analyze network events, and take appropriate action based on these events; to provide valuable information to users of the network; and ultimately to ensure that network resources are efficiently used in a manner consistent with underlying business or other goals (col. 6, lines 53-59). The control points monitor the status of network resources... (col. 7, lines 7-15). The control points and agents may be loaded on a wide variety of devices, including computers, palm computers, pagers, cellular telephones, and other networked devices, furthermore, the link to the control points and agents may be a wireless link (col. 7, lines 27-59). Therefore, the control points and agents may be located at one or more remote locations. The claimed "receiving, at the remote location, from a particular remote device one or more response messages" is met by a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). The claimed "adjusting at least one parameter of a

particular operation performed at the head-end in accordance with the one or more response messages" is met by the configuration utility may be used for managing configuration information for the control points and agents as described above.

As to claim 21, the claimed "providing to the one or more remote devices indications of error conditions relating to the one or more operations performed at the head-end" is met by monitoring the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31), and by sharing information about network conditions with customers, users and IT personnel (col. 4, lines 40-46), and the claimed "when the audible alert is activated" is met by the Official Notice remarks as described above in claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

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Michael W. Hoye
July 10, 2007

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER